IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LDG.) NO. 316 OF 2006.
IN
ARBITRATION PETITION NO. 407 OF 2005

Air India Ltd. ... Appellants.

Versus.

Sabre Inc. & others. ... Respondents.

Shri Shekhar Naphade, Senior Advocate with Shri Sudip Sen, Shri J.S.Sabiya i/by M/s.M.V.Kini & Co. for the Appellants.

Dr.V.V.Tulzapurkar, Senior Advocate with Shri P.A.Sampat for the Respondent No.1.

Shri Zuben Behram Kamdin for Respondent No.2.

Shri Nainesh Amin for Respondent No.3.

Shri Riyaz Chagla i/by M/s.V.V.Juris for Respondent No.4.

CORAM : KSHITIJ R.VYAS, C.J., &
ABHAY S.OKA, J.

DATE : June 13, 2006.

P.C.:

1. Heard the learned Counsel appearing for the parties. By this Appeal, the Appellants challenge the order dated 20th March 2006 passed by the learned Single Judge dismissing the petition for non-prosecution. After having heard the learned Counsel for the parties, we are of the view that the Petition is required to be heard and decided on merits. Therefore, we set aside the one line order passed by the learned single Judge, with a direction to the learned single Judge to decide the petition on merits after hearing the parties.

2. The Appeal is allowed. The impugned order dated 20th March 2006 passed by the learned single Judge is set aside with the direction as stated above.

CHIEF JUSTICE

ABHAY S.OKA, J.